

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

APPLICANTS: Michael C. Stewart, et al.
APPLICATION NO.: 10/602,490
FILING DATE: June 23, 2003
TITLE: Apparatus and Method for Integrated Vessel Ligator and Transector
EXAMINER: Vi X. Nguyen
GROUP ART UNIT: 3731
ATTY. DKT. NO.: 80121-07311

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

STATUS REQUEST

Sir:

Please advise the undersigned attorney of record regarding the status of the subject application following the filing on December 12, 2006 of a Petition to Revive and Response to Specie Election Requirement, together with a check for \$1,500 in payment of the petition fee. True copies of the documents as filed (and stamped received by the Patent Office) are attached hereto, marked as Exhibit A.

Favorable action on the petition and early report of prospective examination
data are solicited.

Respectfully submitted,
Michael C. Stewart, et al.

Dated: 5/31/07

By: A.C. Smith
Albert C. Smith, Reg. No.: 20,355
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7296
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FEET TRANSMITTAL for FY 2006

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** 1,500.00

Complete If Known

Application Number 10/602,490

Filing Date June 23, 2003

First Named Inventor Michael C. Stewart

Examiner Name VI X. Nguyen

Art Unit 3731

Attorney Docket No. 80121-07311

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number 19-2555

Deposit Account Name Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

Change fee(s) indicated below Credit any overpayments

Change all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application

Change fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Fee	Fee	Fee Description	Fee Paid
Code (\$)	Fee	Fee	Code (\$)	
1051	130	2051	65	Surcharge - late filing fee or oath or declaration
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1020	2253	510	Extension for reply within third month
1254	1,590	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	500	2452	250	Petition to revive - unavoidable
1453	1,500	2453	750	Petition to revive - unintentional
1501	1,400	2501	700	Utility issue fee (or reissue)
1502	800	2502	400	Design issue fee
1503	1100	2503	550	Plant issue fee
1460	—	1460	—	Petitions to the Director
1807	50	1807	50	Processing fee for Provisional Applications
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))
1801	790	2801	395	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
Other fee (specify) _____				
SUBTOTAL (2) (\$) _____				SUBTOTAL (3) (\$) 1,500.00

*or number previously paid, if greater; For Reissues, see above

Reduced by Basic Filing Fee Paid

SUBMITTED BY Complete (if applicable)

Name (Print/Type)	Albert C. Smith	Registration No. (Attorney/Agent)	20,355	Telephone	650.335.7296
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Signature

A. C. Smith

Date

12/7/05

Exhibit A



DAE
ZMW

DEC 18 2006

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
INTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
80121-07311

First named inventor: Michael C. Stewart

Application No.: 10/602,490

Group Art Unit: 3731

Filed: June 23, 2002

Examiner: Vi X. Nguyen

Title: Apparatus and Method for Integrated Vessel Ligator and Transector

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
 Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of
Response to Specie Election Requirement (identify type of reply):

has been filed previously on _____
 is enclosed herewith.

B. The issue fee of \$ _____
 has been filed previously on _____
 is enclosed herewith.

Page 1 of 2

12/13/2006 RCONDAF1 00000047 10602490

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1500.00 BP

Exhibit A

80121-07311/DOCS/1678479.1

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995 no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$____ for a small entity or \$____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

12/7/06

Date

A. C. Smith

Signature

Telephone
Number: (650) 335-7296

Albert C. Smith, Reg. No. 20,355

Fenwick & West LLP
801 California Street
Mountain View, CA 94040

Enclosures:

Fee Payment ✓

Reply

Terminal Disclaimer Form

Small Entity Status Form

Response to Specie Election Requirement ✓

CERTIFICATE OF MAILING [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

12/7/06

Date

A. C. Smith

Signature

Albert C. Smith



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

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APPLICATION NO.: 10/602,490
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GROUP ART UNIT: 3731
ATTY. DKT. NO.: 80121-07311

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature:	A-C. Smith		
Typed or Printed Name:	Albert C. Smith, Reg. No. 20,355	Dated:	12/7/06

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE TO SPECIE ELECTION REQUIREMENT

Sir:

The following Remarks are in response to the official action dated May 4, 2006 received in the patent application identified above.

Exhibit A

REMARKS

An election has been required under 35 U.S.C. § 121 among the patentably distinct species of the claimed invention, including:

- Specie 1 illustrated in figures 1, 2a-c, 3a-c, 4;
- Specie 2 illustrated in figures 2d;
- Specie 3 illustrated in figures 5a, b;
- Specie 4 illustrated in figures 5c, d;
- Specie 5 illustrated in figures 53-g;
- Specie 6 illustrated in figure 6; and,
- Specie 7 illustrated in figures 7-9.

Applicants hereby elect, without traverse, to prosecute in this application the Specie 1, for example, as illustrated in figures 1, 2a-c, 3a-c, 4 and list as readable thereon the claims 1-13, 29 and 30.

Applicants are retaining the remaining claims in this application, unexamined, pending allowance of a generic or linking claim.

Favorable action is solicited.

Respectfully submitted,
Michael C. Stewart, et al.

Dated: 12/7/06 By: A-C. Smith

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Fenwick & West LLP
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Exhibit A

80121/07311/DOCS/1678468.1